IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28571 of 2008
MD. AMIN @ MD. AAMIN @ MD. AMINUDDIN
Versus
STATE OF BIHAR

2/ 18.08.2008 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State.

The petitioner is an accused of a case which was filed under Sections 376, 511 and 120B of the Indian Penal Code and Section 27 of the Arms Act with regard to an occurrence of 31st July, 2007 at 07.00 p.m.

Submission is that the complainant has described her age to be 35 but the Voter's list (Annexure-4) shows that her age is 55. The implication is on account of enmity which was continuing from before. Though cognizance under Sections 376, 120B of the Indian Penal Code has been taken but there is no allegation of rape against the petitioner in the "S.A". The complainant has not named the petitioner as the rapist. P.Ws. 1, 2 and 3 have also not named the petitioner. P.W. 2 is the husband of the complainant whereas P.W. 3 is her son.

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Considering the facts and circumstances of the case, the petitioner Md. Amin @ Md. Aamin @ Md. Aminuddin is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Complaint Case No. 1479-C of 2000.

kksinha/ **(Shyam Kishore Sharma, J.)**

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